

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 12: Foster Family Home Licensing	Effective Date: October 1, 2007
	Section 29: Conducting Background Checks for Foster Home Applicants	Version: 2

POLICY [NEW]	OLD POLICY: N/A
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The Indiana Department of Child Services (DCS) will complete a background check on all persons¹ who:

1. are applicants for a foster family home license.
2. reside in the prospective foster home².
3. work or volunteer in the home and have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant.

DCS requires Child Protection Services History checks on all persons aged 0 to 13 years who live in the household. This will be done for the purpose of assessing placement capacity and compatibility.

A background check for household members, employees and volunteers age 14 to 17 will consist of the following criminal (or juvenile) and civil history checks:

1. State Limited Criminal History Check
2. Indiana State Juvenile History

NOTE: There is no current procedure to complete checks 1 and 2 on 14 to 17 year olds. Once a procedure is available, local offices/LCPAs will be notified.
3. Sex and Violent Offender Registry
4. Child Protection Services History
5. Local law enforcement agencies (LEA)/county sheriff records

Note: No child under age 14 can be fingerprinted.

A background check for applicants, household members, employees and volunteers age 18 and older will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History (includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check)
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA)/county sheriff records

DCS requires background checks:

1. for every new household member³;

¹ This does not include children who are under DCS supervision.

² This includes any persons who, at the time the application is submitted, have been in the home for 21 days or longer. The 21 days do not have to be contiguous.

³ DCS defines a new household member as anyone who has been in the home for 21 days or longer. The 21 days do not have to be contiguous.

2. anytime the household has a new employee or volunteer who has or will have direct contact, on a regular and continuing basis, with children who are or will be under the supervision of DCS.

Note: Effective July 1, 2007, employees and volunteers for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an approved criminal history check. When determining whether to provisionally hire or assign as a volunteer, the applicant or licensee must consider:

1. The training time required by an employee or volunteer.
2. The safety and security of the children under the supervision of the applicant or licensee.
3. The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
4. The staffing concerns of the applicant or licensee.
5. Any other factor relating to the safety and security of the applicant's or licensee's operation.

DCS requires the applicant/licensee to complete the background check process at initial licensure and relicensure.

DCS requires the licensee, household members and all employees or volunteers of the foster family home to complete a non-fingerprint-based criminal history check process at each annual review. For the purposes of foster home licensing annual review, a "criminal history check" will consist of the following criminal (or juvenile) and civil history checks:

1. Indiana State Limited Criminal History check.
2. Indiana State Juvenile History
NOTE: There is no current procedure to complete checks 1 and 2 on 14 to 17 year olds. Once a procedure is available, local offices/LCPAs will be notified.
3. Sex and Violent Offender Registry.
4. Child Protection Services History.
5. Local law enforcement agencies (LEA) / County sheriff records.

Note: Criminal history checks for the annual review process do not require fingerprints. Indiana Juvenile History checks are not required for anyone over the age of 22.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy, Chapter 2, [Confidentiality of Background Check Data](#).

DCS requires the applicant / licensee to notify the licensing worker within 24 hours of the arrest or conviction of the applicant / licensee or any household member.

Refer to separate policies, Chapter 12, [Receipt of Application](#), [Evaluation of Background Checks for Foster Home Licensing](#), [License Denials](#), and [Revocations](#).

Code References

[IC 31-9-2-22.5: Conduct a Criminal History Check](#)

[IC 31-27-4-5: Applying for License](#)

PROCEDURE

The licensing worker will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, Chapter 2, [Verifying Identity](#).
2. Complete a search for previous Child Protection Services (CPS) history and evaluate. Check and evaluate CPS records for Indiana and **all other states** in which each individual is known to have resided for the past five (5) years. Refer to separate policy, Chapter 12, [Evaluation of Background Checks for Foster Home Licensing, License Denials](#). In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and all hard copy records. The CPI database is accessible through ICWIS or online at <http://www.in.gov/dcs/protection/online services.html>. Licensed child placing agencies (LCPAs) are unable to access this information and will need to send a copy of the [Request for a Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results. For all other states, use the following link to locate contact information for a CPS administrator who can process your search request: http://www.acf.hhs.gov/acf_contact_us.html#regions.
3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is www.fbi.gov/hq/cid/cac/states.htm.
4. Search local law enforcement agency (LEA)/sheriff records for every county/state in which the individual is known to have resided for the past five (5) years.
5. Prepare the family for fingerprinting for the National Criminal History check by explaining the fingerprinting process.
 1. The FCM completes the Application for Criminal History Background Check form and gives a copy to the applicant.
 2. The applicant should be instructed to register for electronic fingerprinting online at <http://dcspf.sofn.net> (the applicant can call 1-877-323-8885 if he/she does not have Internet access).
 3. During the registration process, the applicant will be asked for the information contained on the Application for Criminal History Background Check form.
 4. After the applicant provides this information, he/she will be prompted to select a fingerprint location and will be prompted for payment (if payment is required).
 5. Next, the applicant will be prompted to enter demographic data and then will be given a bar code receipt. This completes the registration process.
 6. The applicant should then call the fingerprint location selected to see if an appointment is necessary. The applicant must take the bar code receipt (or the number listed on the bar code receipt) and the I.D. used during registration to the fingerprint location selected. Fingerprinting cannot take place without these two items.

The Central Office Background Check Unit will provide a letter via email to the local DCS office/LCPA contact handling all background check material informing him/her of the qualifying status. The local DCS office/LCPA contact must inform the licensing worker of the final determination. The licensing worker will then inform the license applicant of the final determination. If the applicant is qualified based upon criminal history, the FCM will summarize the results of the checks in ICWIS (without referencing specific convictions). If the fingerprint applicant provides an email address during registration, they will also receive notice of the results.

PRACTICE GUIDANCE

- N/A

FORMS AND TOOLS

- [Application for Criminal History Background Check, SF 53259/CW 3610](#)
- [Request for a Child Protection Services \(CPS\) History Check, SF 52802/CW 2128](#)

RELATED INFORMATION

Administrative Website:

Upon request, local DCS offices and other private agency staff will be provided access to the administrative website to check the status of fingerprint applicants associated with their local DCS office/agency. To obtain a user name and password to access the administrative website, contact the Background Check Unit at Background.Checkunit@dcx.in.gov.

Special Fingerprinting Issues

Homebound: If an individual is homebound and cannot appear at a facility for fingerprinting, contact the Indiana State Police and request that someone be sent to the individual's home to conduct the fingerprinting. If additional assistance is needed, contact the Background Check Unit.

Unreadable Prints: For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card. When this occurs, notification will be sent to the applicant that they must be reprinted. If the subject's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a name-based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection. If prints are rejected multiple times by the State Police and are deemed unreadable (e.g. due to skin condition or age), they will be sent to the FBI for a manual read. The timeframe for a manual read is longer than a routine check.

Disclosing National Criminal History Check Information to the Subject of the Check

DCS may disclose the specific crimes that disqualified the subject of the check to the subject. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was based.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Disclosing State Limited Criminal History Check Information to the Subject of the Check

DCS may provide a copy of the State limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Indiana State Juvenile History

Note: At the present time, ISP does not have a procedure in place for DCS to obtain this information for 14-17 year olds without fingerprints. DCS will update staff once this procedure is in place.

Indiana Limited Criminal History

A Limited Criminal History contains only felonies and Class A misdemeanor arrests within the State of Indiana and can only be conducted on those individuals eighteen (18) years of age and older. Completeness of this information is based upon county participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. The user must submit a valid password to run the query. Results are immediate. For assistance with password issues, please email FieldOps@dc.in.gov.

Note: At the present time, ISP does not have a procedure in place for DCS to obtain this information on 14-17 year olds without fingerprints. DCS will update staff once this procedure is in place.

Additional directions:

Please disregard the request for Client ID (it is an optional field). Do not agree to a fee if you are asked. This is an indication that the login was incorrect at the first screen. Answer the following questions in this manner:

- 1) Do you have not-for-profit status? NO
- 2) Do you have an ISP customer number? NO
- 3) Are you currently an Access Indiana subscriber? YES